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CiO Geremek Cautions Participating States; Ministerial Produces Modest Results

by Janice Helwig

The seventh meeting of the OSCE Ministerial Council was held in Oslo December 2-3. In his opening statement, OSCE Chairman-in-Office and Polish Foreign Minister Bronislaw Geremek cautioned the participating States about the need to exercise strong, unified political will in addressing problems in the OSCE region: "In the case of early warning, not everything (in 1998) went as well as it could have. First signals from the Polish chairmanship in January that there was an urgent need to approach the problem in Kosovo unfortunately have not been met with a positive response from the big partners." He warned, despite the OSCE's many accomplishments in 1998, "We should not become complacent. Next year may prove crucial for the credibility of the OSCE in the public eye."

Fifty-four participating States, two Partners for Cooperation, six Mediterranean Partners for Cooperation, eleven international organizations, the OSCE High Commissioner on National Minorities, the OSCE Rep-

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The dais at the Implementation Review Meeting

The 1998 Implementation Meeting

by Erika B. Schlager

From October 26 through November 6, 1998, the OSCE participating States met in Warsaw, Poland for their fourth Implementation Meeting on Human Dimension Issues (hereinafter, Implementation Meeting). Acting on warnings from both governmental and non-governmental quarters that the OSCE's implementation review process was seriously in need of repair and reinvigoration, the participating States held the 1998 Implementation Meeting under a new set of modalities designed to enhance consideration of human rights concerns and to remedy some of the problems that were evident at past Implementation Meetings.

In particular, some government representatives had complained that the three-week time frame for Implementation Meetings was too long and that, as a consequence, officials from capitals could not attend a meeting of such duration. This concern was addressed by shortening the length of the meeting from three to two weeks, largely by reducing the amount of time allotted to the more institutional aspects of the OSCE's human dimension work.

NGO representatives had also complained that the standard speaking order—representatives of govern-
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representative on Freedom of the Media, representatives from the OSCE Parliamentary Assembly, the Director of the Office for Democratic Initiatives and Human Rights, the OSCE Secretariat, and several heads of OSCE missions participated. Secretary Albright declined to attend the meeting and the United States was represented by Under Secretary Thomas Pickering. (Albright similarly declined to attend the 1997 OSCE Ministerial Council and President Clinton declined to attend the 1996 OSCE Summit of Heads of State and Government.)

Most of the operational and crisis management work and decision-making—which had been accomplished at ministerial and summit conferences of the Conference on Security and Cooperation in Europe—are now assumed by the Permanent Council which meets weekly in Vienna. For this reason, ministerial or summit declarations or decisions that reflect significant breakthroughs at the year's end have been few. Accordingly, the Oslo meeting, like other recent high-level OSCE meetings, struggled to elevate the OSCE's regular work to a higher political plane. The meeting resulted in a general declaration by the ministers, a statement focused on the situation in Kosovo, and the adoption of several decisions.

The Ministers' declaration stressed their support for the OSCE's missions and regional activities, including in or related to Kosovo, Bosnia and Herzegovina, Croatia, Georgia, Moldova, and the Nagorno-Karabakh conflict. Memoranda of understanding were also signed with Georgia, Armenia, Azerbaijan, Kazakhstan, and Kyrgyzstan for projects aimed at deepening cooperation in building democracy and protecting human rights. The Ministers also endorsed the development of OSCE police operations, reaffirmed their commitment to arms control, welcomed the commitment of the States Parties to the Conventional Forces in Europe to complete the adaptation process by the 1999 OSCE summit, and welcomed the addition of Jordan as a Mediterranean Partner for Cooperation.

The Ministers' declaration on Kosovo expressed concern over continued violence in Kosovo and urged all parties to resolve their differences by peaceful means, particularly by cooperating in the search for a political settlement. The Ministers strongly supported the establishment and the activities of the OSCE Kosovo Verification Mission (KVM) and urged that all parties to the

conflict comply fully with the relevant UN Security Council resolutions and cooperate closely with the KVM.

The Ministerial adopted several regional decisions. On Georgia, the Ministers again expressed hope for a peaceful solution of the conflict in Abkhazia and supported the Geneva Process and United Nations efforts towards that end. They asked for consultations on the utility of opening an office in the Gali district and proposed a confidence-building meeting to be held on the margins of the 1999 OSCE summit. On Moldova, the Ministers stressed the importance of reinvigorating negotiations on settling the dispute over the status of the Trans-Dniester region through the OSCE mission and the Russian and Ukrainian negotiators. They also called for full implementation of OSCE decisions on the withdrawal of Russian troops currently stationed in Moldova. On Central Asia, they expressed support for the establishment of OSCE offices in Almaty, Ashgabat, and Bishkek, and tasked the OSCE Permanent Council to consider how to strengthen coordination among various international organizations and institutions with respect to activities in Central Asia.

A decision was taken strengthening the OSCE's capabilities regarding Roma and Sinti issues by enhancing the Contact Point on Roma and Sinti Issues in the ODIHR. (See related article on page 7.)

The Ministers outlined a work program for a document-charter on European security, with the aim of completing it by the 1999 OSCE summit. Norway's Foreign Minister will serve as the OSCE's Chairman-in-Office for 1999. They agreed that Austria will hold the OSCE chairmanship in 2000, that the office of the OSCE High Commissioner on National Minorities will remain in the Hague regardless of the nationality of the person holding the office, and that the 1999 summit will be held in Istanbul, Turkey, on November 18-19.

Meanwhile, the Permanent Council in Vienna took a decision on December 17 to extend the OSCE mission in Ukraine for four months. The same Permanent Council meeting adopted, subject to a silence procedure, the OSCE budget for 1999.

The Oslo document, as well as the decisions of the Permanent Council, are available on the OSCE website at <www.osceprag.cz/>. Under Secretary Pickering's remarks are at <www.osce.usa.co.at/>. □

Commission Staff Delegation to Belarus Makes Recommendations

by Orest Deychakiwsky

Last November, Commission Deputy Chief of Staff Dorothy Taft and Staff Advisor Orest Deychakiwsky traveled to Belarus where they met with Ural Latypov, Foreign Policy Adviser to the President of Belarus (and Foreign Minister as of December), officials from the Foreign Ministry, leading members of the 13th Supreme Soviet, representatives of opposition political parties, and human rights and other NGOs. Apart from studying the situation in the country, the delegation raised OSCE human rights and democracy compliance issues. While this is a summary of the delegation's conclusions and recommendations, the full report is available from the Commission or on the Commission's website at <www.house.gov/csce/>.

The Belarusian Government continues to violate its OSCE commitments relating to human rights, democracy and the rule of law. Administrative harassment is common. At the root of these violations lies the excessive power usurped by the authoritarian President Lukashenka, especially following the illegitimate 1996 constitutional referendum.

Meetings held with all non-government entities reinforced the fact that the Belarusian Government continues to violate human and civil rights, imprison activists, and financially and administratively burden civic and business leaders, creating a climate of fear within the population. It is to their credit that many Belarusian opposition parties, as well as independent NGOs, continue to operate despite this unfavorable climate.

While one could point to very limited areas of improvement, such as allowing some opposition demonstrations to occur relatively unhindered, OSCE compliance by the Government of Belarus has not improved since the deployment of the OSCE's Advisory and Monitoring Group (AMG) in early 1998. Of considerable concern has been the proliferation of various decrees and government regulations in 1998 strengthening the President's control of the state apparatus.

Despite Belarus' rhetoric to the contrary, cooperation with the AMG has thus far been limited, and more efforts need to be undertaken by the Belarusian Government to demonstrate its commitment to respect OSCE obligations that it freely undertook when it became a participating State in 1992.

As a result of the discussions in Belarus, the delegation has made several recommendations that would assist the Government of Belarus to comply with its Helsinki commitments. The United States and OSCE community should continue to call upon the Belarusian Government to live up to its OSCE commitments and, in an effort to reduce the climate of fear which has developed in Belarus, should specifically encourage the Belarusian Government, *inter alia*, to:

1. Release Alyaksandr Shydlauski and review the cases of those detained and imprisoned on politically motivated charges, particularly Andrei Klymov and Vladimir Koudinov.
2. Cease and desist the harassment of opposition activists, NGOs and the independent media and permit them to function.
3. Allow the opposition access to the electronic media and restore the constitutional right of the Belarusian people to free and impartial information.
4. Create the conditions for free and fair elections in 1999, including party representation on central and local election committees.
5. Strengthen the rule of law, including an independent judiciary and bar.

With Lukashenka's term in office under the legitimate 1994 Constitution expiring in July 1999, the international community should make clear that the legitimacy of Lukashenka's presidency will be undermined unless free and fair elections are held.

The United States and the international community, specifically the OSCE Parliamentary Assembly, should continue to recognize only the legitimate parliament—the 13th Supreme Soviet—abolished by Lukashenka in 1996, and not the post-referendum, Lukashenka-installed, National Assembly. The West needs to stand firm on this point, as the 13th Supreme Soviet and the 1994 Constitution are the only legal authorities. The United States and the international community should strongly encourage President Lukashenka and the 13th Supreme Soviet to begin a dialogue which could lead to a resolution of the current constitutional crisis and the holding of democratic elections. The OSCE Advisory and Monitoring Group (AMG) could be a vehicle for facilitating such dialogue.

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“Recognizing the importance of the OSCE implementation meetings on Human Dimension issues as a central element in promoting compliance with OSCE commitments, Ministers decided to task the Permanent Council with elaborating a new set of modalities for these meetings in order to increase their impact.”

—OSCE Chairman’s Summary, Sixth Meeting of the Ministerial Council

December 17, 1997

ments first, international organizations (IOs) second, and NGOs third—meant that NGOs were the most likely to be bumped off the agenda in the event that time did not permit all speakers to take the floor. Accordingly, the modalities for the 1998 Implementation Meeting were changed to permit the representatives of NGOs and IOs to take the floor at any time, putting them on a more level playing field with the representatives of governments.

In addition, the Office for Democratic Initiatives and Human Rights (ODIHR) ensured that the meeting was moderated by a skilled, senior diplomat with extensive experience in the Helsinki process, Norwegian Ambassador Leif Mevik. Efforts were also made by the ODIHR to ensure that those diplomats whose participation in the meeting was funded through the OSCE’s Voluntary Fund were those whose portfolios included responsibility for OSCE issues.

Finally, in a related action, the OSCE decided to convene, as a rule, “three informal Supplementary Human Dimension Meetings lasting one working day in order to discuss key substantive concerns raised at the previous Human Dimension Implementation Meeting or Review Conference and to ensure follow-up for them as well as for the OSCE Human Dimension seminars.” This decision was designed to ensure that the issues raised at the Implementation Meetings are more effectively integrated into the day-to-day work of the OSCE’s principal decision-making body, the Permanent Council, in Vienna.

Implementation Review Process: Background

From roughly 1975 to 1990, human dimension issues were raised as part of the periodic “Follow-up Meetings” that were held to review the OSCE participating States’ compliance with the commitments they had undertaken in all areas (i.e., military security, economic and environmental cooperation, and human rights and humanitarian concerns) and to negotiate new agreements. In addition, the participating States met during this period at inter-sessional meetings designed to address specific aspects of the human dimension (such as human contacts or culture) and, between 1989 and 1991, at three separate meetings of the CSCE Conference on the Human Dimension (Paris, 1989; Copenhagen, 1990; and Moscow, 1991).

The desire to hold meetings devoted specifically to human dimension issues reflects both the Helsinki process’ traditional focus on actual performance—i.e., the belief that public review of a country’s record in implementing its commitments serves to foster compliance—as well as the desire to balance the ongoing military-security negotiations that have taken place on a continuous basis in Vienna since 1989. In addition, implementation review was a driving force behind negotiations which took place in the Helsinki process between 1975 and 1990: the negotiation of new agreements reflected the issues raised during the review of compliance with previously agreed commitments.

Beginning with the 1990 signing of the Charter of Paris for a New Europe, the participating States initiated a still-evolving process of institutionalization and reorganization, changing the framework for comprehensive implementation review. Periodic “Follow-up Meetings” were recast as “Review Conferences” which conclude with summits of Heads of State or Government. The Review Conferences and summits were mandated to take place, as a rule, every two years.

The Review Conferences are tasked with “review[ing] the entire range of activities within the [OSCE], including a thorough implementation debate, and consider[ing] further steps to strengthen the [OSCE] process; [and] prepar[ing] a decision-oriented document to be adopted at the meeting.” Accordingly, human dimension issues, along with all other issues falling within the scope of the OSCE, are raised and discussed at Review Conferences. While Follow-up Meetings had been of unlimited dura-

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Washington Conference Focuses on Assets Restitution

by Maureen T. Walsh

One year after the historic London Conference on Nazi Gold, the U.S. Department of State and the U.S. Holocaust Memorial Museum co-hosted the Washington Conference on Holocaust-era Assets from November 30-December 3, 1998. While the London Conference focused primarily on the looting of gold by Nazi Germany, discussions also began concerning the disposition of assets such as real property, securities, bonds, insurance, and artwork following the Second World War. At the London Conference's conclusion, U.S. Under Secretary of State Stuart Eizenstat called on the participating countries to commit to a follow-up conference focusing on these other asset classes. Acting on that call, delegates from more than 40 countries and 13 non-governmental organizations convened in Washington, DC.

The Washington Conference addressed the issue of returning to rightful owners assets looted from them by the National Socialist regime during the Second World War. Conference sessions were devoted to the restitution of art work and communal property seized by Nazis, the responsibility of European insurance companies to satisfy claims from Holocaust-era insurance policies, the need for governments to open archives to historians and property claimants, and the importance of Holocaust education and remembrance.

During the Second World War, individuals and religious communities in Europe saw their property, including artwork, real estate, religious artifacts, and other assets plundered by the Nazi regime. In Western Europe, restitution efforts began immediately at the war's end under the auspices of the Allied forces. In Central and Eastern Europe, on the other hand, Communist forces reconfiscated many of these assets by nationalizing real estate and businesses and failing to create mechanisms for the return of artwork and other goods. In addition, government archives remained closed to researchers, historians and others during the period of Communist rule. With the demise of communism in Central and Eastern Europe, individuals and religious communities began to call anew for the return of tangible assets to their rightful owners.

The Washington Conference's most tangible achievement occurred in the context of art restitution. On the basis of a United States proposal, conferees

agreed to a set of eleven guiding principles for the restitution of Nazi-confiscated artwork. Although not legally binding, the morally and politically binding principles encourage, *inter alia*, research into the provenance and identification of art, public dissemination of findings, and creation of a central registry to connect all Holocaust-era art databases.

Discussions of communal property restitution, led by Rep. Benjamin Gilman (R-NY), addressed the need to return property—such as synagogues, churches, community centers, schools, cemeteries, and religious artifacts—to Jewish, Catholic, Orthodox and other religious communities in Central and Eastern Europe. Religious life in Central and Eastern Europe was under attack for much of this century—first, Jewish populations were targeted for elimination by the Nazi regime and then, following the Second World War, organized religions were persecuted, controlled or outright prohibited in the Communist countries of Europe. By some estimates, well over ten thousand properties were taken from these communities under Fascist and Communist policies. Thus, the return of communal property is an integral aspect of restoring religious life in this region as well as playing a part in the broader picture of creating democratic institutions and rule of law in Central and Eastern Europe.

The status of communal property restitution varies among the countries of Central and Eastern Europe and many obstacles hinder religious communities in their restitution claims. Hungary, which is often cited as establishing a positive model for restitution efforts, has adopted broad legislation calling for the return of property, or alternative compensation, to religious groups. The Hungarian Government has reportedly restituted 2,000 communal properties and is considering an additional 3,500 claims. Although legislation has also been enacted in Poland, few of the approximately 5,000 properties taken from religious communities have been restituted. In Romania, some properties have been returned by decree to the Jewish community and several minority ethnic communities. However, comprehensive restitution legislation has not been enacted. In Croatia, a broad agreement has been reached between the government and the Catholic Church settling the church's property claims. The Croatian Government, however, has reportedly not

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The Belarusian Government should be encouraged in the strongest possible terms to cooperate with the OSCE AMG. There is a growing perception both within and outside Belarus that the Belarusian Government is disingenuous in its interaction with the AMG. The AMG has been working to promote: an active dialogue between the government, the opposition and NGOs; free and fair elections, including a new election law that would provide for political party representation on electoral committees and domestic observers; unhindered opposition access to the state electronic media; a better functioning, independent court system and sound training of judges; and the examination and resolution of cases of politically motivated repression. (*Note: In meetings with Belarusian officials, the staff delegation stressed all of these points and raised several specific human rights cases.*)

The democratically oriented opposition and NGOs deserve continued and enhanced moral and material assistance from the West, including the United States. The United States must continue to encourage the development of a democratic political system, a market-oriented economy, and the rule of law in Belarus. □

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tion (i.e., negotiators stayed at the negotiating table until there was something worth adopting), Review Conferences are mandated not to exceed three months (unless otherwise agreed by consensus) and always lead to the adoption of a summit document. In years when no Review Conference is scheduled, meetings designed specifically to review compliance with human dimension commitments are held in Warsaw, the site of the ODIHR.

In 1994, an eight-week Review Conference was held in Budapest, followed by a two-day summit in that location; in 1996, a truncated three-week Review Conference was held in Vienna, followed by a one-week preparatory meeting and a two-day summit in Lisbon. Implementation Meetings on Human Dimension Issues were held in 1993, 1995, and 1997. Following this trajectory, a Review Conference and summit would have, in theory, been held in 1998. Several factors, however, led the OSCE to postpone the next summit until 1999.

First, Turkey's long-standing offer (dating from late 1996) to host the next OSCE summit in Istanbul was met with concern by some within the human rights community in light of Ankara's poor human rights record.

This proposal also met with resistance from Armenia, which asserted that it could not join consensus on an Istanbul venue since Armenia and Turkey lack diplomatic relations. In any case, support for holding summits on a biennial basis had somewhat diminished after the rather lackluster summit in Lisbon held in 1996. Finally, negotiations on a comprehensive security document—stemming from a 1994 Russian initiative—was unlikely to bear fruit in time for adoption at a 1998 summit meeting of Heads of State and Government.

Since consensus was not reached to convene a summit in 1998 and an Implementation Meeting on Human Dimension Issues is mandated to be held in every year in which there is not a Review Conference, an Implementation Meeting was held in Warsaw. (Under considerable pressure from the United States and others, Armenia eventually relented. Provisional agreement was eventually reached, at the December 2-3 OSCE Ministerial held in Oslo, to convene a summit on November 14-15, 1999, in Istanbul.)

Participation

The meeting, organized by the ODIHR, was attended by 49 of the 54 countries fully participating in the Helsinki process, two Mediterranean partners for cooperation (Egypt and Israel), both partners for cooperation (Japan and Korea), several international organizations or bodies, representatives from the OSCE's own institutions (including representatives of 13 OSCE missions), and representatives of 186 non-government-

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“The overall success of the meeting was marred, however, by a violent attack on Talib Yakubov, Secretary General of the Human Rights Society of Uzbekistan . . . Among his criticisms, Yakubov asserted that there were dozens of political prisoners in Uzbekistan, including Meli Kobilov (a former People's Deputy of Uzbekistan) and that three religious activists had disappeared without a trace.”

Oslo Ministerial Adopts Decision on Roma; U.S. Keeps Focus on Romani Human Rights

by Erika B. Schlager

The OSCE Ministerial Council meeting [see article, page one] concluded with the adoption of a declaration, a statement on Kosovo, and nine separate decisions. Notably, one of those decisions dealt with the OSCE's "Contact Point for Roma and Sinti Issues" (the Contact Point).

The Contact Point was established by the OSCE 1994 Summit of Heads of State and Government in Budapest and was mandated *inter alia* to act as a "clearing-house for the exchange of information on Roma and Sinti (Gypsies) issues, including information on the implementation of commitments pertaining to Roma and Sinti (Gypsies)." The 1994 decision, however, did not allocate any additional funds to the Warsaw-based Office for Democratic Institutions and Human Rights (the location of the Contact Point) for this purpose, hampering the implementation of the Budapest mandate.

In advance of the Oslo meeting, the Czech Republic circulated a proposal to upgrade the status of this post to that of a "High Commissioner for Roma." The Czech delegation argued that issues relating to the Roma, as a transnational people, had to be addressed in a pan-European context such as the OSCE. Ultimately, it became clear that agreement on the Czech proposal as originally conceived would not be reached in time for the Oslo meeting, and the idea was recast as a decision to "strengthen" the Contact Point. (By way of contrast, it took roughly a year to negotiate the mandate for the OSCE's Representative on Freedom of the Media. During that time, there were extensive consultations with interested governments, journalists, and non-governmental human rights organizations. Those kinds of consultations did not take place during the negotiations on the Czech proposal.)

The Czech idea echoes language in the July 1998 OSCE Parliamentary Assembly resolution, adopted in Copenhagen:

100. Underlining the need to give greater attention to the human rights of Roma and Sinti, taking into account the action undertaken by the Council of Europe; [...]

116. [The Parliamentary Assembly] Calls on the OSCE participating States to devote greater attention

and resources, including at the ODIHR and the Permanent Council, to ensure that the human rights of the Roma and Sinti are fully respected;

117. Emphasizes the importance of increased efforts to improve the situation of Roma and Sinti populations by means of a senior appointee in the ODIHR to concentrate solely on this issue.

(Paras. 100 and 116 were amendments proposed by the U.S. delegation to the OSCE PA.) In addition, during the 1998 OSCE Implementation Meeting on Human Dimension Issues, several participants in the Roundtable on Roma and Sinti Issues argued in favor of strengthening the Contact Point in order to enhance his or her ability to address Romani human rights issues.

In fact, the human rights focus reflected in the U.S. amendments to the OSCE PA resolution were omitted in the Czech proposal adopted in Oslo. As a consequence, the motivations of the Czech delegation in advancing this proposal remain opaque.

On the one hand, the Czech Republic was identified by witnesses at a recent CSCE hearing as having one of the worst records with regard to respect for the human rights of Roma. Some of the formulations used by the Czech delegation in advancing this proposal—asserting that Roma issues must be addressed at a pan-European level, for example—also cast doubt on the real intentions behind the Czech proposal. The Czech initiative might be seen as an effort by a state with one of the worst records on Romani human rights to deflect international attention from its own inaction and toward a bureaucratic mechanism at the international level that will lack the power to implement effective solutions to problems at the national level.

On the other hand, since last year's elections brought a new government to office, a handful of Czech officials have begun to speak more openly about the serious problems faced by the Czech Republic's Roma minority. On July 23, Deputy Prime Minister Pavel Rychetsky announced that one of the new government's priorities would be to amend the law on citizenship to resolve the problems [of statelessness] for Roma associated with the breakup of the Czechoslovak Federation. (The Czech

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been willing to holding similar discussions with Jewish community representatives.

In some countries, governments will only restitute religious properties such as churches, synagogues, and cemeteries—thereby excluding the return of income producing or “secular” properties including sports or community centers, hospitals and schools. Moreover, some governments will return property only to those communities that maintained an uninterrupted existence in that country since World War II. Additionally, while national parliaments have in many cases adopted legislation providing for communal property restitution and have implemented those laws with respect to property controlled by the national government, much property is controlled by municipal and local governments which have not implemented restitution policies set at the national level.

To address these obstacles, the United States has proposed the following principles to guide the process of restituting communal property:

- Governments should take steps to ensure that restitution policies established at the national level are implemented at regional and local levels, as well as the national level.
- Governments should return both “secular” and religious communal properties.
- Legal procedures for filing claims should be clear, simple and transparent. Claimants should have access to archives to obtain necessary documentation of ownership.
- Restitution procedures must take into account the legitimate interests of the current occupants.
- Where local religious communities are unable to absorb the cost of restitution, foundations should be established to help local communities organize their restitution claims and to involve other groups in assisting local communities with research, legal counsel, and funding for rebuilding.

Another issue affecting all restitution efforts that was addressed at the Conference was the openness and accessibility of archives. In this context, the Task Force on International Cooperation on Holocaust Education, Remembrance and Research—recently established by Sweden, United Kingdom, Germany, Israel and the United States—has called for all Holocaust-related archives, both public and private, to be made widely accessible in order to facilitate further research and encourage greater understanding of the Holocaust and its historical context.

In a classic example of governmental unwillingness to open Holocaust-era archives, the Czech Republic has obstructed efforts to make the only known archives from a Roma concentration camp available to a wider audience of researchers and scholars. Between 1940-43, Czech Roma were brought to the camp, located in the Czech village of Lety, which served as a labor camp and a point of deportation to Nazi death camps. Since 1994, when the archive’s existence was publicized by a Czech-American, the U.S. Holocaust Memorial Museum (USHMM), with support from the Helsinki Commission, has sought to obtain copies of the full records from the Lety concentration camp. In 1994, Czech officials assured the USHMM and Helsinki Commission that a complete copy of the Lety camp archives would be forthcoming to the USHMM. Notwithstanding this pledge, not one page of archives were turned over to the USHMM between July 1994 and December 1998. During a January 1999 visit by recently appointed Czech Deputy Foreign Minister Martin Palous, however, the first portion of archival copies were presented to the USHMM. It is hoped that the USHMM will quickly receive the remainder of the copies, as well as access to Waffen-SS and other German records which are held by the Czech Ministry of Defense.

The Washington Conference closed with calls by some delegates for future conferences to revisit many of the issues addressed. Before the book on the Holocaust era can be closed, much progress remains to be made in the restitution of Holocaust-era assets, the opening of archives, and the establishment of Holocaust education and remembrance programs. Moreover, the extremely complex issue of real property restitution to individuals—as compared to communal property restitution to religious or ethnic communities—was not addressed at all at the Washington Conference but deserves and needs international attention. In addition, because of the Washington Conference’s emphasis on art restitution issues, communal property questions did not receive the full attention they require. For this reason, the Polish Government proposal, made at the close of the Washington Conference, to host an international conference in 1999 addressing the limited issue of communal property restitution would be an appropriate step toward completing the work begun at the London and Washington Conferences. □

Roma, *continued from page 7*

Government is currently reviewing draft amendments.) Czech Deputy Foreign Minister Martin Palous also gave a strong statement at the OSCE Implementation Meeting on Human Dimension Issues—a statement which gave frank recognition of his country's shortcomings with respect to Romani human rights. The Czech proposal, then, may have reflected the efforts of pro-human rights officials in the Czech Government who are searching for vehicles to support them in their efforts to advance human rights reform.

In any case, following the adoption of the Oslo decision on the Contact Point, Ambassador David Johnson, Head of the U.S. Mission to the OSCE in Vienna, made the following statement at the December 17 meeting of the Permanent Council:

“The United States supports the decision taken at Oslo, and hopes that it will enhance the OSCE's capabilities regarding Roma and Sinti issues by strengthening the existing Contact Point for Roma and Sinti Issues in ODIHR.

“We hope that this decision will help ensure that the OSCE—and the participating States—adequately address the human rights concerns of Roma and Sinti. In this regard, we welcome the initiative of the High Commissioner on National Minorities on Roma issues.

“Since the Contact Point for Roma and Sinti Issues was established at the Budapest Summit in 1994, its work has been constrained due to a lack of funding. We therefore also welcome the inclusion of funds for the Contact Point in the 1999 budget.

“We look forward to recommendations from ODIHR and the High Commissioner on National Minorities as to how the OSCE can better protect the human rights of Roma and Sinti.

“We should remember, however, that ultimately it is up to us, the participating States, to take appropriate steps to address problems. In this regard, we would like to welcome the announcement made by the Slovak delegation at the Warsaw Human Dimension Review Meeting regarding Slovakia's intention to give heightened attention to Roma concerns.

“We also are aware that the Czech Government has recently decreed that those Czechoslovaks who opted for Slovak permanent citizenship when the country split in 1993, but remained permanent residents in the Czech republic, can now gain Czech citizenship as well. It would be helpful if this decree could address the citizenship

problems that still face many Czech Roma. If this is not the case, we would urge the Czech Government to rededicate itself to finding a solution to this ongoing problem.

“Concerning the future work of the Contact Point, we believe there are two areas that might benefit most from OSCE engagement.

“First, the Contact Point could help ODIHR provide to those participating States which request it assistance with drafting comprehensive anti-discrimination statutes to address more effectively discriminatory practices still prevalent against Roma and Sinti, and other ethnic minorities.

“Second, the Contact Point should work with the Secretariat to ensure that missions and other field presences, where appropriate, receive training regarding issues and OSCE commitments relating to Roma.

“The United States looks forward to following the work of the Contact Point on Roma and Sinti issues. We strongly urge participating States to redouble their efforts, not only through this office but in their national policies and practices, to combat intolerance of Roma and Sinti. We urge States to speak out against violence and discrimination and embrace measures—political and legal—that address the serious problems that still face the Roma and Sinti communities.” □

Warsaw, *continued from page 6*

tal organizations. (Absent were Andorra, Belgium, Iceland, San Marino, and Tajikistan.)

The U.S. Delegation was headed by Ambassador Robert H. Frowick. Principal Deputy Assistant Secretary for Democracy, Human Rights, and Labor Gare A. Smith addressed the meeting on the subject of international humanitarian law; Anita Botti, Deputy Director and Senior Advisor on Trafficking, Office of the Senior Coordinator for International Women's Issues, addressed the subject of trafficking in women and children; Deputy Assistant Secretary for Democracy, Human Rights, and Labor Leslie Gerson made closing plenary remarks. Ambassador David T. Johnson, Head of the Vienna-based U.S. Mission to the OSCE, joined the U.S. Delegation during the second week of the meeting.

Other members of the delegation were drawn from the State Department in Washington, the Vienna-based U.S. Mission to the OSCE, and the Washington-based

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staff of the Commission on Security and Cooperation in Europe.

In addition, five public members served on the delegation: Dr. Laila A. Al-Marayati, Muslim Women's League; Professor Paula F. Gutlove, Institute for Resource and Security Studies; Arthur C. Helton, Force Migration Projects; Ronald Kovan, World Press Freedom Committee; Dr. Allen S. Keller, Belvue/New York University Program for Survivors of Torture; and Dr. Henry H. H. Remak, Indiana University. Their participation continued a long-standing U.S. practice of drawing on members of the public to provide U.S. delegations with valuable expertise. The inclusion of public members also reflects a U.S. desire to make information about OSCE activities more widely available to the American public.

Debate and Discussion

Polish Foreign Minister Bronislaw Geremek, the OSCE Chairman-in-Office, opened the meeting with a keynote address. OSCE High Commissioner for National Minorities (HCNM) Max van der Stoep, OSCE Representative on Freedom of the Media Freimut Duve, and ODIHR Director Gerard Stoudmann also presented reports during the opening plenary. HCNM van der Stoep used the occasion to announce his plans to conduct, in early 1999, a study of issues relating to Roma and Sinti. In particular, he said he envisioned that his report would result in specific recommendations with a view to contributing to "the international discussion on the situation of those groups which have too often been neglected." The Secretary General of the OSCE, Ambassador Giancarlo Aragona, addressed the closing plenary of the meeting, as did the Director of the OSCE Kosovo Verification Mission, Ambassador William Walker. Walker's

remarks contributed a sense of urgency and timeliness to the Warsaw meeting.

Other representatives of OSCE missions also attended the meeting and some missions provided written summaries of their activities that relate to the human dimension. These materials provided welcome insight into the operations of the missions and how, in very practical ways, the missions address human dimension concerns.

Two half-days were set aside specifically for NGO briefings. During this time, for example, the International Helsinki Federation organized a briefing by (among others) Veton Surroi, Editor-in-Chief of *Koha Ditore* (Prishtina). Amnesty International also held a briefing which focused exclusively on the United States; most of that briefing dealt with the death penalty and prison conditions.

Following a successful initiative launched by the Project on Ethnic Relations at the 1997 Implementation Meeting, roundtables were organized this year on freedom of religion, gender issues, redressing torture, and national policies on Roma and Sinti. These meetings provided an opportunity for additional discussion of implementation concerns but, for the most part, were more focused on consideration of approaches that might be explored, in the context of the OSCE, resolving the human rights problems at issue.

In contrast to past meetings, where inter-ethnic issues reappeared under a variety of rubrics from the rule of law to free elections to citizenship, there was no single dominant theme at the 1998 Implementation Meeting. Instead, virtually every agenda item received strong attention from governments and NGOs alike. (Culture and civic education stood as notable exceptions, with few speakers seeking to address these subjects.) Belarus and Turkey were frequently singled out for criticism on a broad range of issues. Similarly, the escalation of repression in Serbia before and during the Implementation Meeting led many delegations to give heightened attention to the human rights abuses there.

Suggestions were made during the course of the meeting for the topics that might be considered for the three Supplementary Human Dimension Meetings to be held in Vienna in 1999. These suggestions included Roma and Sinti, equality of opportunity for men and women, freedom of religion, racism, torture, trafficking of women, freedom of association, national minorities, and the place of the human dimension in the OSCE security charter.

"Overall, the 1998 Implementation Meeting was significantly better than the Implementation Meetings held in 1995 and 1997."

Finally, two rapporteurs were chosen by the ODIHR to prepare a report on the review discussions. Although the rapporteurs' report includes recommendations made by representatives of participating States and NGOs attending the Implementation Meeting, the recommendations are not negotiated texts and do not represent consensus-based agreements of the participating States. Moreover, any recommendation regarding the practices of any specific country is not included, since no country is named by name.

Conclusions

Overall, the 1998 Implementation Meeting was significantly better than the Implementation Meetings held in 1995 and 1997. Specifically:

There was some improvement in the willingness of the participating States to engage in a frank and specific discussion of human dimension issues.

NGOs were given greater access to the speakers' list. This helped make the discussions in the formal meeting more dynamic and, perhaps, was a factor in the increased attendance by NGOs at the meeting.

During the discussion of the agenda item on Roma and Sinti issues, translation into the Romani language was provided, for the first time, to facilitate the participation of the unprecedented number of Roma attending the meeting.

This year's moderator exercised extraordinary discretion in carrying out his task and was genuinely able to facilitate, rather than impede, discussion by NGO and government representatives.

In contrast to most other OSCE fora (such as the military-security meetings or the decision-making meetings of the Permanent Council), the Implementation Meeting, roundtables and briefings were all open to the press and the public. The Implementation Meetings in Warsaw remain the only OSCE fora where these issues receive broad public scrutiny.

The overall success of the meeting was marred, however, by a violent attack on Talib Yakubov, Secretary General of the Human Rights Society of Uzbekistan. Yakubov had participated in the first days of the meeting and had made critical comments regarding the human rights record of Uzbekistan. On the morning of November 3, he was severely beaten outside of his hotel—

while en route to the meeting—in broad daylight by two unknown assailants. The circumstances of the attack fueled speculation that Yakubov was targeted because of his criticism of his government. (A hastily organized “information meeting” on ODIHR and UNDP human rights projects by the Uzbekistan delegation, announced on the morning of November 3, did little to counter this impression.) Among his criticisms, Yakubov asserted that there were dozens of political prisoners in Uzbekistan, including Meli Kobilov (a former People's Deputy of Uzbekistan) and that three religious activists had disappeared without a trace.

Follow-up actions to the Implementation Meeting now move to other fora. Higher-level participation from OSCE governments at the opening and closing of the Implementation Meeting, including participation of some delegates from Missions to the OSCE in Vienna, creates a greater potential that the discussions in Warsaw will be more fully reflected in the ongoing work of the OSCE. Supplemental human dimension meetings, to be convened by the Permanent Council in 1999, should also help ensure that the issues raised in Warsaw receive more regular consideration by the OSCE's principal decision-making body in Vienna. Most importantly, the participating States themselves must take action on issues raised in Warsaw to improve compliance with their commitments.

Finally, 1999 will see implementation review of human dimension issues move to the Review Conference forum. The last Review Conference, held in Vienna in 1996, was an organizational disaster and led to a summit document that said precious little about human rights. It remains to be seen whether the participating States will effectively remedy the problems associated with that meeting—a necessary step if there is to be an effective implementation review. It also remains to be seen if the human dimension issues raised during 1997, 1998 and 1999 review fora will be addressed or overlooked by the next summit declaration (to be adopted in Istanbul in November 1999).

A longer version of this report, along with a complete compilation of U.S. interventions made in Warsaw, is available on the Commission's website at www.house.gov/csce/. □

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